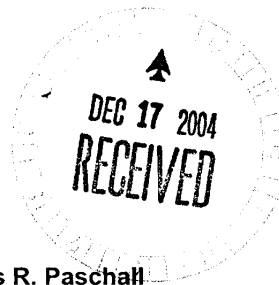




Norfolk Southern Railway Company
Law Department
Three Commercial Place
Norfolk, Virginia 23510-2191



James R. Paschall
General Attorney

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(757) 629-2759
fax (757) 533-4872

December 10, 2004

via fax (202) 565-9004
and original and 10 copies via mail

Honorable Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

212793

Re: Docket No. AB-290 (Sub-No. 252X), Norfolk Southern Railway Company
- Abandonment Exemption - Between Burkeville, VA and Pamplin City,
VA - In Nottoway, Prince Edward, Cumberland and Appomattox
Counties, Virginia - Petition for Exemption

Dear Mr. Williams:

I am providing this letter to the Board via fax, e-mailing a copy to Mr. Thomas F. McFarland, attorney for SMI Rebar, and mailing copies to him, those on our service list and to the Board along with ten10 copies.

On December 6, 2003, SMI Rebar filed a document styled Reply in Opposition to Motion for Leave to File a Reply to Reply. In the alternative, SMI Rebar requested that the Board accept a further response to NSR's faxed letter of November 12, 2004, which was not received into the record until November 15, 2004.

In the event SMI Rebar's request that the Board not accept NSR's November 12, 2004 record is construed as a motion for affirmative relief, NSR states that its lack of detailed substantive response to that pleading does not constitute acquiescence in the request. The letter contained a sufficient request and support for its acceptance by the Board. NSR opposes SMI Rebar's request to the Board not to accept, or to strike, it.

NSR does not oppose SMI Rebar's request for the Board to accept SMI Rebar's further response if NSR's November 12, 2004 document is accepted for consideration, to the extent SMI Rebar's pleading is a response and does not introduce new evidence or argument. NSR is confident that the Board can and will make the determination as

Honorable Vernon A. Williams
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to what is a response and what may be new matter without a detailed summary from NSR that might lead to unnecessary further filings in this docket. We also are confident that even without further substantive comment from NSR, the Board will not accept SMI Rebar's characterizations, assertions, arguments and conclusions with respect to NSR's filing or its November 12 at face value but will compare them in context to the actual contents of those documents. Again, we do not wish our lack of detailed, substantive response to be construed as acquiescence to the contents of SMI Rebar's filing if the filing is construed as an affirmative request for relief that would permit or call for a reply.

Very truly yours,


James R. Paschall

cc via e-mail and mail:
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Thomas F. McFarland, P.C.
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Attorney for SMI Rebar - Farmville

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Mr. Tom Ross, Chief of National Recreation and Trails
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